

Appl. No. 09/966,386  
Amtdt. dated 02/22/2005  
Reply to Office Action of 11/19/2004

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FEB 22 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	:	09/966,386	Confirmation No. 5088
Applicant	:	Len Schultz	
Filed	:	09/28/2001	
TC/A.U.	:	2114	
Examiner	:	LE, DIEU MINH T	
Docket No.	:	42390P5728	
Customer No.	:	8791	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

In response to the Office Action of 11/19/2004, please consider the following Response to an outstanding Office Action for the above-identified application as follows:

**The Claims are reflected in the listing of claims which begins on page 2 of this paper. No claims are amended by this Response.**

**Remarks/Arguments begin on page 6 of this paper.**

## BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

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LOS ANGELES, CA 90025

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## FACSIMILE COVER SHEET

FEB 22 2005

Deliver to: Dieu Minh T. Le, USPTO  
 Facsimile No.: 703 872-9306  
 From: James Henry, Reg. No. 41,064  
 Our Docket No.: 42390PS728  
 Application No.: 09/966,386

Art Group: 2114  
 Date: February 22, 2005  
 Number of pages 13, including this sheet.  
 Filing Date: 9/28/2001  
 Docket Due Date(s): 2/19/2005

Enclosed are the following documents:

Amendment: Response ( 9 pgs)  
 Appeal Brief (    pgs)  
 Application:    (    pgs) w/cover & abstract)  
 Assignment & Cover Sheet (    pgs)  
 Certificate of Facsimile     
 Continued Prosecution Application (CPA)  
 Declaration & POA (    pgs)  
 Drawings:    sheets,    figures  
 Extension of Time:     
 Fee Transmittal (in duplicate)  
 IDS & PTO/SB/08 (    pgs)  
 Other   

Issue Fee Transmittal  
 Notice of Appeal  
 Petition for:     
 Request for Continued Examination (RCE)  
 Reply Brief (    pgs)  
 Request & Certification Under 35 USC 122(b)(2)(B)(i)  
 Request to Rescind Previous Nonpublication Request  
 Response to Notice of Missing Parts & Formalities Letter  
 Response to Written Opinion (    pgs)  
 Terminal Disclaimer  
 Transmittal of Publication Fee Due  
 Transmittal Letter

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

  
Pat Sullivan 02/22/2005  
 Date

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<b>FEE TRANSMITTAL for FY 2005</b> <small>Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number	09/966,386		
		Filing Date	September 28, 2001		
		First Named Inventor	Len Schultz		
		Examiner Name	Dieu Minh T. Le		
		Art Unit	2114		
		Attorney Docket No.	42390P5728		
<b>METHOD OF PAYMENT (check all that apply)</b>					
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____					
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)					
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee					
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments					
<b>FEE CALCULATION</b>					
<b>Large Entity</b>	<b>Small Entity</b>				
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	Fee Paid
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	_____
2053	130	2053	130	Non-English specification	_____
1251	120	2251	60	Extension for reply within first month	_____
1252	450	2252	225	Extension for reply within second month	_____
1253	1,020	2253	510	Extension for reply within third month	_____
1254	1,590	2254	795	Extension for reply within fourth month	_____
1255	2,160	2255	1,080	Extension for reply within fifth month	_____
1401	500	2401	250	Notice of Appeal	_____
1402	500	2402	250	Filing a brief in support of an appeal	_____
1403	1,000	2403	500	Request for oral hearing	_____
1451	1,510	2451	1,510	Petition to institute a public use proceeding	_____
1460	130	2460	130	Petitions to the Commissioner	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	_____
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	_____
Other fee (specify) RCE Transmittal Fee					
SUBTOTAL (2)				(\$)	
				790.00	

<b>SUBMITTED BY</b>		<i>Complete if applicable</i>		
Name (Print/Type)	James Henry	Registration No. (Attorney/Agent)	41,064	Telephone
				(714) 557-3800
Signature			Date	02/22/05

Based on PTO/SD/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 12/15/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

<b>FEE TRANSMITTAL for FY 2005</b>		<i>Patent fees are subject to annual revision</i>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Complete if Known Application Number <u>09/966,386</u> Filing Date <u>September 28, 2001</u> First Named Inventor <u>Len Schultz</u> Examiner Name <u>Dieu Minh T. Le</u> Art Unit <u>2114</u> Attorney Docket No. <u>42390PS728</u>	
TOTAL AMOUNT OF PAYMENT	(\$)	790.00	

**METHOD OF PAYMENT (check all that apply)**

<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>
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<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

**FEES CALCULATION**

Large Entity	Small Entity	Fee Description	Fee Paid
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Other fee (specify) <u>RCE Transmittal Fee</u>			
<b>SUBTOTAL (2)</b>			(\$)
790.00			

<b>SUBMITTED BY</b>		Complete (if applicable)		
Name (Print/Type)	James Henry	Registration No. (Attorney/Agent)	41,064	Telephone (714) 557-3800
Signature				Date 02/22/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 12/15/2004.  
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